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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/623,767	07/21/2003	Shuichi Yoshino	5259-000028	4837

27572 7590 04/26/2007  
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EXAMINER
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CAI, WAYNE HUU

ART UNIT	PAPER NUMBER
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2617

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/26/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	Application No. 10/623,767	Applicant(s) YOSHINO ET AL.	
	Examiner Wayne Cai	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 March 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3, 11 and 12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 11 and 12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Election/Restrictions*

1. Claims 4-7 and 13-15 of Invention II, and 8-10, 16 and 17 of Invention III, are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected inventions, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on March 29, 2007.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Liu et al. (hereinafter "Liu", US 2002/0077896).

**Regarding claim 1**, Liu discloses an advertising system (title) comprising:

a wireless device (i.e., mobile devices 118, 120, and 122);

an advertising sign having one or more sign apparatuses (i.e., electronic billboard 110); and

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an advertising server (i.e., advertiser 124 and web portal 108, or data processing system 600) that transmits advertising data to a terminal (i.e., mobile devices 118, 120, and 122);

wherein:

the wireless device transmits a terminal address indicating the address of the terminal to a sign apparatus (paragraph 0067);

the sign apparatus receives the terminal address transmitted from the wireless device and transmits the received terminal address to the advertising server via a public network or the Internet (paragraphs 0063-0064); and

the advertising server receives the terminal address transmitted from the sign apparatus and transmits the advertising data to the terminal having the address indicated by the received terminal address (paragraphs 0064-0065).

**Regarding claim 11**, Liu discloses all limitations recited within claim as described above. Liu also discloses wherein the terminal is a mobile telephone, a personal computer, or a mobile information terminal (i.e., mobile devices 118, 120, and 122).

#### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3, and 12 rejected under 35 U.S.C. 103(a) as being unpatentable over in view of Liu et al. (hereinafter "Liu", US 2002/0077896).

**Regarding claim 3**, Liu discloses all limitations recited within claim as described above. Liu also teaches or suggests identifying the user through a unique identifier (i.e., terminal address), retrieving the requested information, and transmitting the requested information back to the user (abstract, paragraphs 0063-0068). That reads on a memory, a central control unit, and an external interface for reading the terminal address and transmitting the input terminal address to the advertising server. Liu, however, does not specifically teach or suggests one or more wireless receiving units that each have a narrow directionality, and receive the terminal addresses transmitted from the plurality of respective wireless devices as electromagnetic waves, including electrical waves and light, or sound waves, including ultrasonic waves. However, it is obvious and or well known to include the narrow directionality antenna to receive information because it is more effective when the user is actually in the proximity of the billboard apparatus.

**Regarding claim 12**, Liu discloses all limitations recited within claim as described above. Liu also discloses wherein the terminal is a mobile telephone, a personal computer, or a mobile information terminal (i.e., mobile devices 118, 120, and 122).

6. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over in view of Liu et al. (hereinafter "Liu", US 2002/0077896) in view of Caughey (US 2003/0212745), and further in view of Chang (US 6,473,629).

**Regarding claim 2**, Liu discloses all limitations recited within claim as described above, but does not specifically teach or suggest the limitations of claim 2.

In a similar endeavor, Caughey discloses a selective multi-step email message marketing. Caughey also discloses at paragraphs 0080-0082 that the user generates a profile corresponding to their domain of interest, and selecting contacts from the user's email address list and stored. That reads on external interface, a memory, and an input interface that input a selection instruction that commands selecting one terminal address from among the terminal addresses stored in the memory. Also, the central control unit must be one of the components to perform the functions mentioned above. Furthermore, the transmission of information described by Liu is wireless, therefore, when the address is input, this address is transmitted wirelessly via an electromagnetic waves, including electrical waves and light, or sound waves, including ultrasonic waves.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Liu in view of Caughey. The motivation/suggestion for doing so would have been to provide user flexibility in choosing and selecting different addresses to receive advertisement information.

The combination of Liu and Caughey do not teach a marker unit that visually shows the direction of the electromagnetic waves or the sound waves transmitted by the wireless transmitting unit.

Furthermore, Chang discloses a method of displaying alternating transmitting and receiving phases of voice communication in a mobile phone in a speakerphone mode. Chang also discloses a marker unit that visually shows the direction of the electromagnetic waves or the sound waves transmitted by the wireless transmitting unit (fig. 3A & 3B and its descriptions).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the cited references in view of Chang. The motivation/suggestion for doing so would have been to provide user an indication of whether it is receiving or transmitting phase.

### ***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wayne Cai whose telephone number is (571) 272-7798. The examiner can normally be reached on Monday - Thursday from 7:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duc Nguyen can be reached on (571) 272-7503. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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